MT LEGISLATIVE HISTORY

Chapter 94 1993

Bill H_____ (S) 9

Original bill & hist. ___C

H. Committee on Constitution, Elections & Federal Relations

Hearing Date(s) _____ ___C

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Date Out _____ ___C

S. Committee on Constitution, Elections & Federal Relations

Hearing Date(s) _____ ___C

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

COMMITTEE ON CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS

INTRO. COPY	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN
[illegible]	1-8-73			X			
[illegible]	1-8-73	X					
[illegible]	1-8-73	X					
[illegible]	1-8-73	X					
[illegible]	1-10-73			X			
[illegible]	1-8-73			X			
[illegible]	1-8-73	X					
[illegible]	1-8-73	(Transferred to Judiciary)					
[illegible]	1-8-73	X					
[illegible]	1-10-73			X			
[illegible]	1-10-73	X					
[illegible]	1-10-73	X					
[illegible]	1-10-73	X					
[illegible]	1-10-73	X					
[illegible]	1-10-73	X					
[illegible]	1-10-73	X					
[illegible]	2-7-73		(Held over)				
[illegible]	1-29-73	X					
[illegible]	1-18-73	X					
[illegible]	2-5-73		X				
[illegible]	1-24-73				X		
[illegible]	1-24-73				X		
[illegible]	1-29-73				X		

line 18, after the word years insert, "or older." Senator Shea seconded the motion and it was carried unamiously. Senator Northey also moved to amend the title, page 1, line 9 by striking the word "AND" and inserting the word "OR." The motion was seconded by Senator Mathers. Motion was carried unamiously. Senator Northey motioned that the bill, DO PASS as amended. It was seconded by Senator Shea. Motion again was carried unamiously.

SB 14

Senator Mathers motioned that SB 14 be amended in the title, page 1, line 10, by striking the word "AND" and inserting the word "OR." Motion was seconded by Senator Northey and was carried unamiously.

Senator Rosell moved that the bill should be moved to a sub-committee. The matter was discussed and seconded by Senator Shea. Motion again was carried unamiously. Senator Moore motioned for bill DO PASS and was seconded by Senator Mathers.

SB 13

A motion by Senator Shea and seconded by Senator Northey was made to have SB 13 pass. The motion was carried unamiously, DO PASS.

SB 11

Senator Zody introduced the bill and recommended that it be given DO PASS. A motion by Senator Zody seconded by Senator Graham was carried unamiously.

SB 9

Senator Zody introduced SB 9 and also made a motion to pass it. Senator Rosell motioned that it be amended as follows: Section 1, page 2, lines 6 and 7, strike the words "over the age of eighteen (18) years" and insert in its place, "age eighteen (18) or older." The motion was seconded by Senator Moore. The vote was unamious. Senator Zody motioned that SB 9 DO PASS as amended. It was seconded by Graham.

SB 11

This bill again was discussed. Finally Senator Zody motioned that this bill DO PASS. Senator Rosell seconded the motion, and it was carried.

ANNOUNCEMENTS

Chairman McDonald announced that there is to be a meeting Wednesday, January 10, in room 404.

ADJOURNMENT

The meeting was adjourned by Chairman McDonald at 11:00 a.m.

SENATOR McDONALD, CHAIRMAN

Constitution, Elections & Federal Relations COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
SB 357	County Attorney be elected for a four year term	2/9/73	2/19/73		2/19/73	Be Concurred	
SB 390	Highway patrol submit new voter lists to major political parties	2/9/73	2/21/73		2/21/73	Be Concurred	
SB 389	Minimum number of deputy registers--registration deadline	2/12/73	2/21/73		2/21/73	Be Concurred As Amended	
SB 9	"Adult rights" for 18 year olds	2/13/73	2/19/73		2/19/73	Be Concurred As Amended	
SB348	Deputy resisters be considered officers authorized to administer oaths	2/13/73	2/21/73		2/21/73	Be Not Concurred	Killed in House Committee
HR 15	Urge the president to reinstate funding for economic opportunity act programs	2/21/73	2/26/73		2/26/73	Do Pass As Amended	

February 19, 1973
Proceedings of the
Constitution, Elections & Federal Relations Committee

The meeting was called to order by Chairman Lombardi; the secretary called roll. Absent was Representative Haines who was excused.

SENATE BILL 357: Chief sponsor was Senator Turnage but the bill was discussed by Tom Dowling, Montana County Attorneys Association. The committee gave the bill a unanimous be concurred in.

SENATE BILL 9: Chief sponsor was Senator Lynch who was not at the meeting. There were no opponents or proponents. Representative Greely told the committee it was about the 18 year old adult hood laws. The committee gave the bill a be concurred in as amended. Representative Kosena registered a no vote.

With no other business to discuss the committee adjourned.

Jerry V. Lombardi
JERRY V. LOMBARDI, CHAIRMAN

Laurie Darragh
Laurie Darragh, secretary

or personal property. The trustees shall cause notices to be posted in the manner required for school elections that state the text of the resolution of intention to sell or dispose of the real *or personal* property and the time, date, and place when the resolution authorizing the sale or other disposition will be considered for adoption. Any elector of the district shall have the right to be present and protest the passage of the resolution. If the trustees adopt the resolution and an elector has protested such adoption at the trustee meeting conducted for the hearing on the resolution, such resolution shall not become effective for five (5) days after the date of its adoption.

Any taxpayer may appeal the resolution of the trustees, at any time within five (5) days after the date of the resolution, to the district court by filing a verified petition with the clerk of such court and serving a copy of such petition upon the district. The petition shall set out in detail the objections of the petitioner to the adoption of the *resolution* or to the disposal of the property. The service and filing of the petition shall stay the resolution until final determination of the matter by the court. The court shall immediately fix the time for a hearing at the earliest, convenient time. At the hearing, the court shall hear the matter de novo and may take testimony as it deems necessary. Its proceedings shall be summary and informal, and its decision shall be final.

The trustees of a district that has adopted a resolution to sell or otherwise dispose of *district real or personal* property and, if appealed, has been upheld by the court shall sell or dispose of such real *or personal* property in any reasonable manner that they determine to be in the best interests of the district. The moneys realized from the sale or disposal shall be credited to the debt service fund, building fund, general fund, or any combination of these three funds, at the discretion of the trustees.''

Approved: March 3, 1973.

CHAPTER NO. 92

An Act to Include Pupils in State Institutional Schools Meeting Eligibility Requirements in the School Food Services Program.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The provisions of sections 75-8002 through 75-8006 shall apply to pupils in state institutional schools meeting the requirements established by the superintendent of public instruction and the applicable federal laws and regulations.

Approved: March 3, 1973.

CHAPTER NO. 93

An Act to Implement Article II, Section 18, Concerning Sovereign Immunity by Providing Availability of Insurance Coverage for Governmental Entities; Amending Section 87-701, R.C.M. 1947; Repealing Section 83-706, R.C.M. 1947; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 83-701, R.C.M. 1947, is amended to read as follows:

"83-701. **Jurisdiction of district courts.** The district courts of the state of Montana shall have exclusive judisdiction on any claim against the state of Montana for *injury to person or property,* accruing on or after *July 2, 1973,* on account of damage to or loss of property, or on account of personal injuries or death caused by the negligence or wrongful act or omission of any employee of the state of Montana, while acting within the scope of his office or employment, under circumstances where the state of Montana, if a private person, would be liable to the claimant for such damage, loss, injury or death, in accordance with the law of the state of Montana.''

Section 2. There is a new section to be numbered 83-706.1, R.C.M. 1947, which reads as follows:

83-706.1. The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property. This provision shall apply only to claims for relief and causes of action arising after July 1, 1973. The state, through the department of administration, has the right to provide for self insurance for claims for injury to a person or property. The state, counties, cities, towns, and all other local gevornmental entities have the right also, but not the duty, to purchase insurance to protect against claims for injury to a person or property.

Section 3. Section 83-706, R.C.M. 1947, is repealed.

Section 4. Section 1 and Section 3 of this act are effective on July 1, 1973, Section 2 is effective on passage.

Approved: March 5, 1973.

CHAPTER NO. 94

An Act Implementing Article II, Section 14, ''Adult Rights'' of the 1972 Montana Constitution, by Providing Persons Eighteen (18) Years of Age or Older with Certain Rights; and Amending Sec-

tions 3-1503, 4-161, 4-330, 4-337, 4-413, 4-439, 4-502, 4-504, 4-506, 11-951, 11-1602, 11-1817, 26-915, 31-127, 31-128, 40-5324, 41-1135, 41-1136, 41-2304, 48-143, 59-301, 61-203, 64-101, 66-1305, 66-3208, 69-1509, 69-1604, 75-8702, 80-1415, 81-407, 81-908, 93-1301, 93-100-2, 94-2721, 94-3702, 94-35-106, and 94-35-106.2, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3-1503, R.C.M. 1947, is amended to read as follows:

"3-1503. **Examination of witnesses—inspections of factories, etc.** In discharging the duties imposed upon the division of labor and publicity, the commissioner of labor and industry shall have power to administer oaths, to examine witnesses under oath, to take depositions or cause same to be taken, to deputize any citizen age eighteen (18) or older to serve subpoenas upon witnesses, and to issue subpoenas for the attendance of witnesses before him in the same manner as for attendance before district courts. The commissioner of labor and industry shall likewise have the authority to inspect any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop, or other industrial establishment, and any person who shall refuse to the commissioner admission to any of the industrial establishments herein enumerated when admission is requested for the purpose of inspection, or who shall, when requested by the commissioner, willfully neglect or refuse to furnish to him any statistics or other information which may be in the possession or under the control of such person, or who shall refuse to obey any subpoena issued by the commissioner, shall be deemed guilty of a misdemeanor and be punished accordingly. Nothing herein contained shall in any manner confer upon the commissioner of labor and industry the authority to interfere in any manner with the conduct of the matters under the control of the industrial accident board, nor shall said commissioner be charged with the duty of enforcing any of the laws of the state of Montana pertaining to the affairs of said industrial accident board, nor with the enforcement of the safety provisions of the Workmen's Compensation Act."

Section 2. Section 4-161, R.C.M. 1947, is amended to read as follows:

"4-161. **Age limit for sale of liquor.** Except in the case of liquor given to a person under the age of *eighteen (18)* years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply liquor to any person under the age of *eighteen (18)* years, or permit any person under that age to consume liquor."

Section 3. Section 4-330, R.C.M. 1947, is amended to read as follows:

"4-330. **Purchase of beer by retailer—persons to whom beer may not be sold, delivered or given by brewers, wholesalers or retailers.** It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licensed under the provisions of this act.

It shall be unlawful for any brewer, wholesaler or retailer, his or her employee or employees to sell, deliver or give away, or cause or permit to be sold, delivered or given away, any beer to:

1. Any person under the age of *eighteen (18)* years;

2. Any intoxicated person or any person actually, apparently or obviously intoxicated;

3. An habitual drunkard; or

4. An interdicted person.

Any brewer, wholesaler or retailer violating any of the provisions of this section, shall upon conviction thereof be subject to the penalties provided for in section 4-305 of the Montana Beer Act, and in addition thereto the license of any such brewer, wholesaler or retailer shall, in the discretion of the board, be immediately revoked, or said license may be suspended for a period of not more than three (3) months. Any minor or other person who knowingly misrepresents his or her qualification for the purpose of obtaining beer from any licensee shall be equally guilty with said licensee and shall, upon conviction thereof, be subject to the penalty provided in section 4-305 of the Montana Beer Act."

Section 4. Section 4-337, R.C.M. 1947, is amended to read as follows:

"4-337. **Railroad car or carrier's license—application for and issuance of license—inspection—sale to persons under *eighteen (18)* years of age or disorderly person.** Any person maintaining or operating any railroad car or train as a common carrier for the transportation of passengers, or any other person operating a buffet or dining car for any common carrier, desiring to sell beer under the provisions of this act, shall first apply to the board for a permit so to do, accompanying the application with the license fee herein prescribed. Upon being satisfied from said application or otherwise that the applicant is qualified under the provisions of this act, the board shall issue a license for the sale of beer by such person, which shall at all times be prominently displayed in the car, operated by the applicant, wherein beer or malt liquors are served. The board shall have the right at any time to make an inspection of the train or cars

operated by any railway company in this state, to ascertain whether this act is being strictly complied with, and if not, the board is authorized and empowered to cancel such license, after which the sale of any beer or malt liquors by any such common carrier, or other person operating buffet or dining car for such common carrier, shall be unlawful and subject to the penalties herein prescribed. And it shall be unlawful for any such common carrier, or other person operating buffet or dining car for such common carrier, to sell beer or malt liquors to any person under the age of *eighteen (18)* years or who may appear to be in an intoxicated or disorderly condition."

Section 5. Section 4-413, R.C.M., 1947, is amended to read as follows:

"4-413. **Persons to whom liquor may not be sold or given.** No licensee or his or her employee or employees, nor any other person, shall sell, deliver, or give away or cause or permit to be sold, delivered or given away any liquor, beer or wine to:

1. Any person under the age of *eighteen (18)* years.

2. Any intoxicated person or any person actually, apparently or obviously intoxicated.

3. A habitual drunkard.

4. An interdicted person.

5. Any minor, or other person who knowingly misrepresents his or her qualifications for the purpose of obtaining liquor, beer or wine from such licensee shall be equally guilty with said licensee and shall, upon conviction thereof, be subject to the penalty provided in section 4-439 provided, however, that nothing herein contained shall be construed as authorizing or permitting the sale of liquor, beer or wine to any person in violation of any federal law."

Section 6. Section 4-439, R.C.M. 1947, is amended to read as follows:

"4-439. **Penalty for violating act—revocation of license.** Any person violating any of the provisions of this act, shall upon conviction thereof, be deemed guilty of a misdemeanor and punishable by such fine or imprisonment, or both, as provided by law, except as is herein otherwise provided. If any such licensee is convicted of any offense under this act his license shall be immediately revoked, or in the discretion of the board suspended temporarily for a time to be determined by the board. Further, if any person under the age of *eighteen (18)* is convicted of an offense under this act he shall be subject to a one hundred dollar ($100) fine or thirty (30) days in confinement. It shall be further mandatory under the provisions of this act that all such licensees display in a prominent place in his

premises a placard as issued by the board stating fully the consequences for violations by persons under the age of *eighteen (18)* years of the provisions of this act.

Any person who invites a person under the age of *eighteen (18)* years into a public place where liquor is sold and treats, gives or purchases liquor for such person, or permits such person in a public place where liquor is sold to treat, give or purchase liquor for him, or holds out such person to be over the age of *eighteen (18)* years to the owner of the liquor establishment, or his or her employee or employees, shall be guilty of a misdemeanor."

Section 7. Section 4-502, R.C.M. 1947, is amended to read as follows:

"4-502. **Identification card—form.** Any person who desires to procure any beer and/or liquor from any vendor or licensee may, for the purpose of aiding such vendor or licensee to determine whether or not such person is at least *eighteen (18)* years of age, be required to complete and sign an identification card, which shall be in substantially the following form:

ALCOHOLIC BEVERAGES IDENTIFICATION CARD

This card if properly completed and signed may be accepted by the vendor or licensee named below for the purpose of establishing the legal age of the person designated who desires to purchase alcoholic beverages.

Complete Two or More of the Following:

Social Security Card No. .....; Issued at ..... Date .....
Birth Certificate issued at .....; Date of Birth .....
Draft Card issued at .....; Date of birth .....
Discharge Papers: Service .....; Issued at .....
Date of Birth .....
Military Identification Card or Pass: Service .....;
Issued at ..... Date ..... Age Shown .....
Driver's License: Date .....; Issued at .....;
Age Shown .....

I hereby represent to ..... that I am over the age of *eighteen (18)* years, having been born on the ..... day of ....., 19 ....., at ....., and this statement is made for the purpose of establishing my age in order to obtain service of alcoholic beverages with the full knowledge that I am subject to fine and/or imprisonment, for any misrepresentation made herein. I have submitted the documents and papers checked on this card, and the person to whom submitted has compared the signatures thereon and has also compared the descriptions on said documents with my physical characteristics.

(Witness) ..... (Signature) .....
(Address) ..... (Address) .....
The Montana liquor control board shall cause to be printed and distributed upon request to vendors and licensees blank forms of the identification card herein prescribed."

Section 8. Section 4-504, R.C.M. 1947, is amended to read as follows:

"4-504. **License of licensee not to be revoked or suspended for selling to minor when identification card properly completed, signed and filed.** The license of any licensee in possession of an identification card properly completed, signed and filed as provided in this act shall not be suspended or revoked for selling beer and/or liquor to a person under the age of *eighteen (18)* years who has presented such identification card at the time of purchase and delivered the same for filing as herein provided."

Section 9. Section 4-506, R.C.M. 1947, is amended to read as follows:

"4-506. **All persons attaining the age of *eighteen (18)* years may apply to the county clerk and recorder for an identification card.** All persons attaining the age of *eighteen (18)* years may apply to the county clerk and recorder of the county in which the applicant resides for an identification card which shall prima facie establish that the applicant has reached the age of *eighteen (18)* years."

Section 10. Section 11-951, R.C.M. 1947, is amended to read as follows:

"11-951. **Poll tax—limitation on amount—work for failure to pay.** The city or town council has power: To levy and collect annually from each able-bodied resident of the city or town, between the ages of *eighteen (18)* and forty-five (45) years, a poll tax not exceeding three dollars ($3) per capita; and in case of failure or refusal of any person within the prescribed age to pay said tax, to provide by ordinance that the person failing or refusing must work one day on the public streets of the city."

Section 11. Section 11-1602, R.C.M. 1947, is amended to read as follows:

"11-1602. **Jurisdiction of police courts.** The police court has concurrent jurisdiction with the justice of the peace of the following public offenses committed within the county:

1. Petit larceny.

2. Assault and battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill.

3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars ($500), or by imprisonment not exceeding six (6) months, or by both fine and imprisonment.

4. Proceedings respecting vagrants, lewd, or disorderly persons. Such offenses must be prosecuted in the name of the state of Montana.

5. Possession of beer or liquor by persons under the age of *eighteen (18)* years in violation of section 94-35-106.2.

6. Selling, giving away or disposing of intoxicating liquor to minors in violation of section 94-35-106.

The police court shall have no jurisdiction of any civil cause, except as provided in the next section."

Section 12. Section 11-1817, R.C.M. 1947, is amended to read as follows:

"11-1817. **Age restriction on policemen—not applicable to veterans, present members and police reserves.** The members of the police department on the active list of any city at the time of their appointment under this act shall not be less than *eighteen (18)* years of age, nor more than thirty-five (35) years of age, but this restriction shall not apply to any member of any present police department, nor to police reserves hereinafter provided for nor to honorably discharged persons who served in the armed forces of the United States in time of war, providing such time of service be not less than three (3) months."

Section 13. Section 26-915, R.C.M. 1947, is amended to read as follows:

"26-915. **Application for license—contents—requirements and qualifications—fees.** (1) Each applicant for an outfitter's or professional guide's license shall make application for license upon a form to be prescribed and furnished by the fish and game commission which shall include:

(a) The applicant's full name, address and telephone number.

(b) The address of his principal place of business in the state of Montana.

(c) The amount and kind of property and equipment owned and used in the outfitting business of the applicant, if an outfitter's license application.

(d) The experience of the applicant, including years of experience as an outfitter or guide, knowledge of areas in which he has operated and intends to operate, and ability to cope with weather conditions and terrain.

(e) A signed statement of the licensed outfitter by whom the professional guide is to be employed, that the said guide is in fact, to be employed by such outfitter and stating that said outfitter recommends the applicant for his qualifications.

(f) A statement by a Montana fish and game warden to the fish and game director that the equipment listed on the application has been inspected by said warden and that the same is in fact, owned or used by the applicant and is in good operating condition and is sufficient and satisfactory for the services advertised or contemplated to be performed by such applicant.

(g) A statement of the maximum number of guests to be taken at any one (1) time.

(h) Each new applicant who intends to outfit on a national forest must have the written approval of the rangers in whose district he will establish hunting camps, and such written approval shall accompany the application.

(i) Each application for a partnership, company or corporation must be in the name of one individual who qualifies under the provisions of this act.

(2) Each applicant for an outfitter's license shall meet the following requirements:

(a) Be a competent person of good moral character.

(b) Be a citizen of the United States and a resident of Montana for a full two (2) years, unless the residency requirement is waived by the fish and game commission.

(c) Be at least *eighteen (18)* years of age.

(d) Be in such physical condition as to be able to perform his assigned or obligated duties.

(e) To own or hold under written lease or to represent a company, corporation or partnership who owns or holds under written lease the equipment and facilities as is necessary to provide the services advertised, contracted for, or agreed upon between the outfitter and his clients. All equipment and facilities shall be subject to inspection at all reasonable times and places by the fish and game commission or its designated agent.

(f) Pass a standard examination administered by the fish

and game director, or an agent designated by him, which said examination shall require general and sufficient knowledge displaying and indicating ability to perform the services contemplated with efficiency and with safety to the health and welfare of persons employing such services. The said examination shall test the applicant's knowledge of subjects which shall apply to the type of license applied for in the following subjects:

(i) Fish and game laws and regulations.

(ii) Practical woodsmanship.

(iii) General knowledge of big game.

(iv) Field preparation of trophies.

(v) Care of game meat.

(vi) Use of outfitter's gear as shown on the application.

(vii) Knowledge of area and terrain.

(viii) Knowledge of firearms.

(ix) Federal and state regulations as applicable to outfitting.

(x) Practical first aid.

(3) Each applicant for a professional guide's license shall meet the following requirements:

(a) Be a competent person of good moral character.

(b) Be a citizen of the United States and a resident of Montana as defined in this act.

(c) Be eighteen (18) years of age or older and in such physical condition as to be able to perform his assigned duties.

(d) Be endorsed and recommended by an outfitter with a valid license.

(4) A resident guide shall have been issued a valid resident wildlife conservation license.

(5) Residence requirements for procuring an outfitter's license are hereby waived as to persons who are citizens of a common boundary state and of a common county thereof to the same extent the home state of the applicant waives such requirements for the residents of Montana except for fee.

For the purpose of obtaining a guide's license only, nonresident professional guides employed by resident outfitters shall be considered resident professional guides.

(6) Applications shall be made to and filed with the fish and game director and accompanied by a license fee as herein stipulated, which will be refunded if and when the application is denied. The fee is to be used in investigation of the applicant, in enforcement of this act, and for administrative costs.

Resident outfitter's license fee.....$ 50.00

Resident professional guide's fee.....$ 15.00

Resident guide's license is a valid Montana wildlife conservation license.

Nonresident outfitter's license fee.....$150.00

Nonresident professional guide's fee.....$100.00

Provided, however, that if the nonresident resides in a state requiring residents of the state of Montana to pay in excess of said amounts for similar license, the fee for such nonresident outfitters or guides shall be the same amount as such higher fee charged in the state where such nonresident resides.

(7) The fish and game director in his discretion may cause to be made such additional investigation and inquiry, relative to the applicant for outfitter's license and an applicant's qualifications as he shall deem advisable. Final decision as to issuance of renewal applications shall be made not later than thirty (30) days from the date of receipt of the completed application for renewal of license, and upon a new application, not later than ninety (90) days from the date of receipt of the completed application for license. A licensee in good standing shall be entitled to a new license for the ensuing license year upon complying with the provisions of *this section,* but is exempt from having to retake the written examination."

Section 14. Section 31-127, R.C.M. 1947, is amended to read as follows:

"31-127. **What persons shall not be licensed.** The Board shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen (16) years, with these exceptions:

(a) The board may issue an operator's license to a person who is fifteen (15) years if he has passed a driver's education course approved by the Montana highway patrol and the superintendent of public instruction.

(b) The board may issue a restricted license as hereinafter provided to any person who is at least thirteen (13) years of age;

2. To any person, as a chauffeur, employed by another for the principal purpose of driving a motor vehicle when in use exclusively for the transportation of property for compensation, who is under the age of eighteen (18) years, nor to any person, as a chauffeur, who is employed by another for the principal purpose of driving a motor vehicle transporting passengers for hire or transporting school children, who is under the age of *eighteen (18)* years;

3. To any person, as an operator or chauffeur, whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in section 31-149;

4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as an operator or chauffeur, who is required by this act to take an examination, unless such person shall have successfully passed such examination;

7. To any person who is required under the provisions of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

8. To any person as an operator or chauffeur, who is suffering from any form of epileptic type seizures or similar disorders characterized by lapse of consciousness or control, either temporary or prolonged, which is or may become chronic: provided that the board may in its discretion issue a license to a person suffering from epileptic type seizures or similar disorder characterized by lapse of consciousness or control, if otherwise qualified to be licensed to drive a motor vehicle, when the afflicted person can show that he has not experienced an epileptic type seizure or similar disorder characterized by lapse of conciousness or control for a period of two (2) years and when recommended by the state health officer as being controlled medically or otherwise to the degree that the affliction will not interfere with the safe operation of a motor vehicle."

Section 15. Section 31-128, R.C.M. 1947, is amended to read as follows:

"31-128. **Classification of chauffeurs — special restrictions.** (a) The board upon issuing a chauffeur's license shall indicate thereon the class of license so issued and shall appropriately examine each applicant according to the class of license applied for and may impose such rules and regulations for the exercise thereof as it may deem necessary for the safety and welfare of the traveling public.

(b) No person who is under the age of *eighteen (18)* years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The board shall not issue a chauffeur's license for either such purpose unless the applicant has had at least one (1) year of driving experience prior thereto and the board is fully satisfied as to the applicant's competency and fitness to be employed."

Section 16. Section 40-5324, R.C.M. 1947, is amended to read as follows:

"40-5324. **Benefits on lives of children.** (1) A society may provide for benefits on the lives of children under the minimum age for adult membership but not greater than *eighteen (18)* years of age at time of application therefor, upon the application of some adult person, as its laws or rules may provide, which benefits shall be in accordance with the provisions of section 40-5323 of this chapter. A society may, at its option, organize and operate branches for such children. Membership and initiation in local lodges shall not be required of such children, nor shall they have a voice in the management of the society.

(2) A society shall have power to provide for the designation and changing of designation of beneficiaries in the certificates providing for such benefits and to provide in all other respects for the regulation, government and control of such certificates and all rights, obligations and liabilities incident thereto and connected therewith."

Section 17. Section 41-1135, R.C.M. 1947, is amended to read as follows:

"41-1135. **Employment of persons under** *eighteen (18)* as bartenders forbidden. No person under the age of *eighteen (18)* years of age shall be employed as a bartender, waiter, or waitress whose duty is to serve customers purchasing liquors, beer or wines in any establishment which sells liquors, beer or wines at retail."

Section 18. Section 41-1136, R.C.M. 1947, is amended to read as follows:

"41-1136. **Penalty.** Any retail vendor of liquors, beer or wines who employs any such person under the age of *eighteen (18)* years is guilty of a misdemeanor."

Section 19. Section 41-2304, R.C.M. 1947, is amended to read as follows:

"41-2304. **Exclusions.** The provisions of section *41-2303* of this act shall not apply with respect to:

(a) Students participating in a distributive education program established under the auspices of an accredited enducational agency.

(b) Persons employed in private homes whose duties consist of menial chores such as baby sitting, mowing lawns, cleaning sidewalks.

(c) Persons employed directly by the head of a household to care for children dependent upon the head of the household.

(d) Immediate members of the family of an employer or persons dependent upon an employer for half or more of their support in the customary sense of being a "dependent."

(e) Any persons not regular employees thereof who voluntarily offer their services to a nonprofit organization on a fully or partially reimbursed basis.

(f) Handicapped workers (1) engaged in work which is incidental to training or evaluation programs or (2) whose earning capacity is so severely impaired that they are unable to engage in competitive employment.

(g) Apprentices or learners who may be exempted by the commissioner for a period not to exceed thirty (30) days of their employment.

(h) Learners under the age of *eighteen (18)* who are employed as farm workers, provided that such exclusion shall not exceed a period of one hundred eighty (180) days from their initial date of employment and, further provided that during this exclusion period wages paid such learners may not be less than fifty per cent (50%) of the minimum wage rate established in this act.

(i) Retired or semi-retired persons performing part-time incidental work as a condition of their residence on a farm or ranch.

(j) Any individual employed in a bona fide executive, administrative, or professional capacity as these terms are defined and delimited by regulations of the commissioner.

(k) Any individual employed by the United States of America."

Section 20. Section 48-143, R.C.M. 1947, is amended to read as follows:

"48-143. **Persons capable of marriage—when consent of parent or guardian required—special authority for underage marriages.** (1) Every male person who has attained the full age of *eighteen (18)* years or who has obtained the permission of the district judge as provided in subparagraph (3) and every female person who has attained the full age of *eighteen (18)* years or who has obtained the permission of the district judge as provided in subparagraph (3) shall be capable in law of contracting marriage if otherwise competent.

(2) If either of the contracting parties is under the age of *eighteen (18)*, no license shall be issued without the consent of his or her parents or guardian, or of the parent having the actual care, custody and control of said party, given before the clerk of the court under oath, or certified under the hands of such parents or guardian as aforesaid attested by two adult witnesses, and properly verified by affidavit (or affirmation) before a notary public or other official authorized by law to take affidavits, which certificate shall be filed of record in the office of the said clerk of court at the time of application for said license. If there is no guardian or parent having the actual care, custody and control of said party, then the judge of the district court in the county where the application is pending may, after hearing upon proper cause shown, make an order allowing the marriage of said party.

(3) A male under the age of *eighteen (18)* or a female under the age of *eighteen (18)* may lawfully contract to marry and obtain a marriage license if there is first procured the consent of the parent or guardian as provided in subparagraph (2) and if the district judge of the county wherein the application is made, after examining the parties under oath, shall decide that it is to the best interest of such applicant and of the established public policy of the state of Montana, and shall authorize the clerk of the court to issue the license in conformance with the other provisions of this act."

Section 21. Section 59-301, R.C.M. 1947, is amended to read as follows:

"59-301. **Age and citizenship.** No person is capable of holding a civil office in this state, who at the time of his election or appointment is not of the age of *eighteen (18)* years and a citizen of this state."

Section 22. Section 61-203, R.C.M. 1947, is amended to read as follows:

"61-203. **Who may adopt.** The following persons are eligible to adopt a child:

(1) A husband and wife jointly, or either the husband or wife if the other spouse is a parent of the child.

(2) An unmarried person who is least *eighteen (18)* years old.

(3) A married person at least *eighteen (18)* years old who is legally separated from the other spouse.

(4) In the case of an illegitimate child, its unmarried father or mother."

Section 23. Section 64-101, R.C.M. 1947, is amended to read as follows:

"64-101. **Minors and adults defined.** Minors are:

1. Males under *eighteen (18)* years of age;

2. Females under *eighteen (18)* years of age. All other persons are adults."

Section 24. Section 66-1305, R.C.M. 1947, is amended to read as follows:

"66-1305. **Examinations—admission to practice—nonresidents.** 1. The board of examiners shall make rules and regulations relative to and governing the qualifications of all applicants for certificates of registration as optometrists not inconsistent with the provisions of this act and if the applicant does not meet the requirements of such rules and regulations, then the applicant will not be eligible to take an examination to practice optometry in this state. If the applicant meets the requirements of such rules and regulations, said applicant, before beginning to practice optometry in this state, must pass an examination given by and conducted before said board of examiners. All examination shall be practical in character and designated to ascertain the applicant's fitness to practice the profession of optometry and shall be conducted in the English language. The board shall, from time to time, publish and distribute the examination requirements for a certificate to practice optometry in the state of Montana. The board may accept the grades an applicant has received in the written examinations given by the national board of examiners in optometry.

2. No person shall be eligible to take said examination who is not *eighteen (18)* years of age, and who is not a citizen of the United States of America, and who is not of good moral character.

3. On and after July 1st, 1925, no person shall be eligible to take said examination unless he shall have certificates of graduation from

an accredited high school and from a school of optometry wherein the practice and science of optometry is taught in a course of study covering eight semesters, or four years, of actual attendance and which school is accredited by the international association of boards of examiners in optometry. In lieu of said certificates of graduation an applicant for examination may, with like effect, furnish an affidavit that he has practiced optometry exclusively for a period of at least six years in some other state or states.

4. Every person desiring to be examined in optmetry shall file an application in the manner prescribed by said board at least four weeks before the examination shall be held, and a fee of twenty-five dollars ($25) shall accompany said application.

5. Every person successfully passing said examination shall be registered in the board register, which shall be kept by the secretary of said board, and upon the payment of a fee of ten dollars ($10.00) shall receive a certificate of registration signed by the members of said board.

6. In case an applicant for a certificate of registration has been admitted to practice optometry in any state, and has secured an average of seventy-five *percent* (75%) in his examination in such other state, he may, at the discretion of the said board, be granted a certificate to practice his profession in Montana, without examination, upon his payment of all fees, provided the state from which said applicant comes offers equal privileges to applicants for certficates of registration from this state."

Section 25. Section 66-3208, R.C.M. 1947, is amended to read as follows:

"66-3208. **Qualifications and requirements for licensure—reciprocity.** (1) Application for examination for licensing a psychologist shall be made upon forms prescribed by the board.

(2) Prior to January 1, 1973, the board shall license as a psychologist any person who pays the prescribed fee, and who submits evidence by oath that he:

(a) Is a resident of or shows satisfactory evidence of intent to become a resident of Montana at the time he is licensed.

(b) Is at least *eighteen (18)* years of age.

(c) Is of good moral character.

(d) Has received a doctoral degree based on a program of studies, primarily psychological in content, from an accredited college or university having an appropriate graduate program.

(e) Shall have completed at the time of application a minimum of two (2) years of experience in the practice, research or teaching of psychology. One (1) year of such experience shall be post-doctoral.

(3) After January 1, 1973, all applicants must meet the requirements set forth in subsection (2) of this section and shall pass an examination administered by the board.

(4) Prior to January 1, 1973, a license may be issued to an individual who has been a resident of the state for at least one (1) year and who holds a master's degree from an accredited college or university based on a program which is primarily psychological, and in addition has had five (5) years of professional experience satisfactory to the board, provided he has met the requirements of paragraphs (a), (b) and (c) of subsection (2) of this section.

(5) A license without examination may be issued by the board to any psychologist licensed or certified in another state where the licensing or certification requirements are substantially equivalent to the requirements of this act, or to any psychologist who is a diplomate in good standing of the *American board of professional psychology.*"

Section 26. Section 69-1509, R.C.M. 1947, is amended to read as follows:

"69-1509. **Classification and licensing of engineers.** (1) Engineers entrusted with the operation, care and management of steam or water boilers and steam machinery as specified in the preceding section must be divided into four classes, namely, first-class engineers, second-class engineers, third-class engineers, and low-pressure engineers.

(2) Licenses for the operation of steam or water boilers and steam machinery shall be divided into four classifications in accordance with the following:

(a) First-class engineers shall be licensed to operate all classes, pressures, and temperatures of steam and water boilers and steam driven machinery with the exception of traction and hoisting engines.

(b) Second-class engineers shall be licensed to operate steam boilers operating not in excess of two hundred fifty (250) pounds per square inch gauge saturated steam pressure or water boilers operating not in excess of three hundred seventy-five (375) pounds per square inch gauge pressure and four hundred fifty degrees Fahrenheit (450°F) temperature, and steam driven machinery not to exceed one hundred (100) horsepower per unit with the exception of traction and hoisting engines.

(c) Third-class engineers shall be licensed to operate steam boilers operating not in excess of one hundred (100) pounds per square inch gauge saturated steam pressure or water boilers operating not in excess of one hundred sixty (160) pounds per square inch gauge pressure and three hundred fifty degrees Fahrenheit (350°F) temperature.

(d) Low-pressure engineers shall be licensed to operate steam boilers operating not in excess of fifteen (15) pounds per square inch gauge pressure or water boilers operating not in excess of fifty (50) pounds per square inch gauge pressure and two hundred fifty degrees Fahrenheit (250°F) temperature.

(3) Each applicant for an engineer's license shall meet the following minimum requirements for the class of engineer's license for which application is being made. Each applicant for any classification must be physically and mentally capable of performing the required duties for the class of engineer's license for which application is being made.

(a) Applicants for low-pressure engineer's license shall have no less than three (3) months' full-time experience in the actual operation of a boiler in this classification and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate a boiler or boilers in this classification shall be granted a low-pressure engineer's license.

(b) Applicants for third-class engineer's license shall have no less than six (6) months' full-time experience in the actual operation of a boiler in this classification, under an engineer holding a valid third-class or higher license, and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate a boiler or boilers in this classification shall be granted a third-class engineer's license.

(c) Applicants for second-class engineer's license shall have:

(1) No less than two (2) years' full-time experience in the actual operation of a boiler and steam driven machinery in this classification, under an engineer holding a valid second-class or first-class license, and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate a boiler or boilers and steam driven machinery in this classification shall be granted a second-class engineer's license; or

(2) Hold a valid third-class engineer's license and have no less than one (1) year's full-time experience in the actual operation

of a boiler and steam driven machinery in this classification, under an engineer holding a valid second-class or first-class license, and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate a boiler or boilers and steam driven machinery in this classification shall be granted a second-class engineer's license.

(d) Applicants for first-class engineer's license shall have:

(1) No less than three (3) years' full-time experience in the actual operation of a boiler and steam driven machinery in this classification, under an engineer holding a valid first-class license, and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate a boiler or boilers and steam driven machinery in this classification, shall be granted a first-class engineer's license; or

(2) Hold a valid second-class engineer's license and have no less than one (1) year's full-time experience in the actual operation of a boiler and steam driven machinery in this classification, under an engineer holding a valid first-class license, and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate a boiler or boilers and steam driven machinery in this classification shall be granted a first-class engineer's license; or,

(3) Hold a valid third-class engineer's license and have no less than two (2) year's full-time experience in the actual operation of a boiler and steam driven machinery in this classification, under an engineer holding a valid first-class license, and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate a boiler or boilers and steam driven machinery in this classification shall be granted a first-class engineer's license.

(e) Allowable exceptions or variances to the following foregoing minimum requirements are as follows:

(1) Applicants for engineer's license in any classification holding a valid license in that classification from another state with licensing requirements equal to or exceeding the foregoing minimum requirements for the state of Montana and successfully pass a written examination prescribed by the board and is found to be competent to operate a boiler or boilers and steam driven machinery in that classification shall be granted a license in that classification.

(2) Operating experience in a classification satisfactory to the board, accumulated in United States military services or the merchant marine service may be accepted in lieu of the operating

experience required for licensing of engineers in each of the foregoing classifications.

(3) Applicants with training in the actual operation of steam or water boilers and steam machinery who have been certified as having satisfactorily completed a prescribed training course from a recognized vocational-technical training school or center or other board approved institution or training program in the classification for which he is applying may at the discretion of the board be credited with a maximum of six (6) months' experience toward first, second, or third-class engineer's license.

(4) None of the licenses in this section above named shall entitle the holder thereof to operate a traction engine, but all persons who are entrusted with the care and management of traction engines, or boilers on wheels, are required to pass an examination as to their competency to operate such class of machinery and to procure a license to be known as a traction license. Such traction license shall not entitle the holder thereof to operate any other class of steam machinery specified in the preceding section. Applicants for a traction engineer's license shall have no less than six (6) months' full-time experience in the operation of steam traction engines and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate a traction engine shall be granted a traction engineer's license. The board at its discretion may waive the experience requirement for operators of traction engines which are maintained and operated as a hobby for the restoration and show purposes of antique equipment."

Section 27. Section 69-1604, R.C.M. 1947, is amended to read as follows:

"69-1604. **First and second-class licenses—qualifications of applicant.** (1) Each applicant for a hoisting engineer's license shall meet the following minimum requirements for the class of license for which application is being made. Each applicant for any classification must be physically and mentally capable of performing the required duties for the class of license for which application is being made.

(a) Applicants for second-class hoisting engineer's license shall have no less than two (2) years' experience in the actual operation of hoisting equipment in this classification under an engineer holding a valid second-class or first-class license and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate hoisting equipment in this classification shall be granted a second-class hoisting engineer's license.

(b) Applicants for first-class hoisting engineer's license shall:

(1) Have no less than three (3) years' experience in the actual operation of hoisting equipment in this classification under an engineer holding a valid first-class license and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate hoisting equipment in this classification shall be granted a first-class hoisting engineer's license; or

(2) Hold a valid second-class license and have no less than six (6) months' experience in the actual operation of hoisting equipment in this classification under an engineer holding a valid first-class license and successfully pass a written examination prescribed by the board and has passed his *eighteenth (18th)* birthday and is found to be competent to operate hoisting equipment in this classification shall be granted a first-class hoisting engineer's license.

(c) Applicants for first or second-class hoisting engineer's license holding a valid license in that classification from another state with licensing requirements equal to or exceeding the foregoing minimum requirements for the state of Montana and successfully pass a written examination prescribed by the board and is found to be competent to operate hoisting machinery in that classification shall be granted a license in that classification.

(d) Applicants for first or second-class hoisting engineer's license holding a valid first or second-class engineer's license for the operation of boilers, steam machinery and hoisting engines for the state of Montana prior to enactment of this act shall, upon application during a period not to exceed twelve (12) months after enactment of this act, be granted a hoisting engineer's license in that classification."

Section 28. Section 75-8702, R.C.M. 1947, is amended to read as follows:

"75-8702. **Definitions.** Terms used in this chapter are defined as follows:

(1) "domicile" means person's true, fixed, and permanent home and place of habitation;

(2) "emancipated minor" means person under the age of *eighteen (18)* years who supports himself from his own earnings or is married.

(a) A person who received more than twenty-five per cent (25%) of the cost of supporting himself from any person other than an agency of the government shall not be considered an "emancipated minor."

(3) "minor" means male or female person who has not obtained the age of *eighteen (18)* years.

(4) "qualified person" means person legally qualified to determine his own domicile.

(5) "Resident student" means:

(a) A student who has been domiciled in Montana for one (1) year immediately preceding registration at any unit for any term or session for which resident classification is claimed. Attendance as a full-time student at any college, university, or other institution of higher education shall not alone be sufficient to qualify for residence in Montana.

(b) Any graduate of a Montana high school whose parents, parent, or guardian have resided in Montana at least one (1) full year of the two (2) years immediately preceding his graduation from high school. Such classification shall continue for not more than four (4) academic years if the student remains in continuous attendance at a unit."

Section 29. Section 80-1415, R.C.M. 1947, is amended to read as follows:

"80-1415. **Control over minor so released vested in department of institutions.** The department of institutions has control over a child so released until he attains the age of *eighteen (18)* years, subject, however, to the general jurisdiction of the various courts of Montana for acts committed by such child while under the control of the department."

Section 30. Section 81-407, R.C.M. 1947, is amended to read as follows:

"81-407. **Who may lease—how much and for what length of time.** No persons shall be qualified to lease state lands except one who is the head of a family unless he or she has attained the age of *eighteen (18)* years. Any such person and any association, company or corporation authorized to hold lands under lease may lease state lands, and there may be included under one lease, tracts of lands embracing more than one (1) section. Any such person, association, company or corporation may hold more than one (1) lease to such lands. No lease to agricultural or grazing lands shall be for a period other than five (5) or ten (10) years. Leases for city and town lots shall not exceed five (5) years. When a lease expires or is canceled the commissioner shall immediately so notify the holder of the lease and all persons who have expressed an interest in leasing the land during, or immediately preceding the term of such expired or canceled lease. If the legislature raises the rentals for state grazing

lands during the term of any leases of grazing land hereafter issued which are not issued as a result of competitive bidding the lessee shall, for the years after such increase becomes effective, pay such increase rental and the terms of grazing leases hereafter issued shall so provide."

Section 31. Section 81-908, R.C.M. 1947, is amended to read as follows:

"81-908. **Who may purchase and how much.** State lands shall be sold only to citizens of the United States or to persons who have declared their intentions to become citizens, or to corporations organized under the laws of this state. No person shall be qualified to purchase state land who has not reached the age of *eighteen (18)* years. As far as possible to determine the lands shall be sold only to actual settlers or to persons who will improve the same, and not to persons who are likely to hold such lands for speculative purposes intending to resell the same at a higher price without having added anything to their value. No person or corporation shall be entitled to purchase more than one section of state land, and this area shall not include more than one hundred and sixty (160) acres of land susceptible of irrigation. These limitations as to area and irrigableness shall not apply to lands within a federal irrigation project wherein the Congress of the United States of America now or hereafter authorizes water to be furnished to anarea exceeding one hundred and sixty (160) irrigable acres.

State lands may be sold to any sovereign state of the United States or to any board of trustees or public corporation or agency of such state created by such state as an agency or political subdivision thereof. Said lands may be purchased in the quantities set forth in this section for use by such state, board of trustees, public corporation, agency, or political subdivision for educational or scientific purposes.

The title to any state lands which have been heretofore purchased by a sovereign state or a board of trustees or public corporation, agency or political subdivision thereof qualified under the provisions of this act is hereby ratified and confirmed."

Section 32. Section 93-1301, R.C.M. 1947, is amended to read as follows:

"93-1301. **Who competent to act as juror.** A person is competent to act as a juror if:

1. A citizen of the United States of the age of *eighteen (18)* years, who shall have been a resident of the state one (1) year, and of the county ninety (90) days before being selected and returned.

2. In possession of natural faculties, and of ordinary intelligence and not decrepit.

3. Possessed of sufficient knowledge of the English language.

4. Assessed on the last assessment roll of the county on property belonging to him or her."

Section 33. Section 93-100-2, R.C.M. 1947, is amended to read as follows:

"93-100-2. **Application for change of name—how made.** All applications for change of names must be made to the district court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; and if such person is under *eighteen (18)* years of age, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend. The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name; and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence. Any religious, benevolent, literary, scientific corporation, or any corporation bearing or having for its name, or using or being known by the name of, any benevolent or charitable order or society, may, by petition, apply to the district court of the county in which its articles of incorporation were originally filed, or in which the property of such corporation is situated, for a change of its corporate name. Such petition must be signed by a majority of the directors or trustees of the corporation, and must specify the date of the formation of the corporation, the name proposed, and the reason for such change of name. Upon filing such petition on behalf of such corporation, the same proceedings shall be had as upon applications for changes of names of natural persons, and no banking corporation hereafter organized shall adopt or use the name of any other banking corporation or association, or of any friendly association."

Section 34. Section 94-2721, R.C.M. 1947, is amended to read as follows:

"94-2721. **Receiver of stolen property.** Every person who for his own gain or to prevent the owner from again possessing his own property buys or receives any personal property, knowing the same to have been stolen, is punishable by imprisonment in the state prison not exceeding five (5) years or in a county jail not exceeding six (6) months; and it is presumptive evidence that such property was stolen if the same consists of jewelry, silver or plated ware or articles of personal ornaments, brass, bronze or copper fixtures, fittings or parts of machinery, or electrical supplies, or what is commonly termed junk, if purchased or received from a person under the age of *eighteen (18)* years unless said property is sold by said minor at a fixed place of business carried on by said minor or his employer.

The jurisdiction of a criminal action for receiving stolen property is in any county wherein said property was received or into or through which such stolen property has been brought."

Section 35. Section 94-3702, R.C.M. 1947, is amended to read as follows:

"94-3702. **Failure to keep register.** Every person who carries on the business of a pawnbroker, dealer in second-hand goods, or junk dealer who fails at the time of the transaction to enter in a register kept by him for that purpose, in the English language, the date, duration, amount, and rate of interest of every loan made by him, or an accurate description of the property pledged or sold to him or by him, or the name and residence of the pledger or seller or purchaser, or to deliver to the pledger or seller or purchaser a written copy of such entry, or to keep an account in writing of all sales or purchases made by him, and every pawnbroker, dealer in second-hand goods, or junk dealer who receives goods in pledge or by gift, or purchases the same from any person under the age of *eighteen (18)* years, or from anybody acting as agent for said person, shall be deemed guilty of a misdemeanor, and a conviction thereof shall also work a forfeiture of his license."

Section 36. Section 94-35-106, R.C.M. 1947, is amended to read as follows:

"94-35-106. **Intoxicating liquors—penalty for giving or selling to any person under the age of *eighteen (18)* years.** Any person who shall sell, give away or dispose of intoxicating liquor to any persons under the age of *eighteen (18)* years, shall for the first offense be subject to punishment not exceeding five hundred dollars ($500) fine or by imprisonment not to exceed six (6) months in the county jail, or both such fine and imprisonment, and upon conviction for the second and subsequent offenses he shall be subject to punishment by fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000) or by imprisonment in the state penitentiary for not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment. Nothing herein contained shall prevent the furnishing of intoxicating liquor to a person under *eighteen (18)* years of age upon any physician's prescription where authorized by the laws of this state or the United States, nor the furnishing of wine for sacramental purposes."

Section 37. Section 94-35-106.2, R.C.M. 1947, is amended to read as follows:

"94-35-106.2. **Possession of beer or liquor by minor—misdemeanor.** Any person who shall not have reached the age of *eighteen (18)* years and who shall have in his or her possession beer or liquor, shall be guilty of a misdemeanor."

Approved: March 6, 1973.

CHAPTER NO. 95

An Act Creating a Judicial Standards Commission and Specifying the Composition and the Qualifications of the Members in Compliance with Article VII, Section 11 of the 1972 Montana Constitution.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is created a judicial standards commission consisting of five (5) members as follows:

(1) two (2) district court judges, from different judicial districts, elected by the district judges under an elective procedure initiated by and conducted by the supreme court and the two (2) so elected certified as to such election by the chief justice of the supreme court which for the purpose of the language of this act shall be considered as an appointment.

(2) one (1) attorney who has practiced law in this state for at least ten (10) years, appointed by the supreme court.

(3) two (2) citizens from different congressional districts who are not attorneys or judges of any court, active or retired, appointed by the governor.

Section 2. (1) The first appointments made under this act are as follows:

(a) the supreme caourt shall designate by certificate of the chief justice one (1) district court judge to serve for four (4) years, and one (1) to serve for two (2) years;

(b) the attorney shall serve for four (4) years; and

(c) the governor shall appoint one (1) citizen to serve for four (4) years, and one (1) to serve for two (2) years.

(2) Thereafter, all terms shall be for four (4) years.

Section 3. (1) Commission membership terminates if a member ceases to hold the position that qualified him for appointment.

(2) In the event a vacancy occurs on the commission, the appointing authority of the vacated seat shall designate a successor.

Section 4. A commission member is not entitled to compensation for his services but is entitled to actual expenses incurred in the performance of his duties.

Section 5. (1) The commission, or any citizen of the state may upon good cause shown, initiate an investigation of any judicial officer in the state by filing a verified written complaint with the commission.

(2) The commission, after such investigation as it considers necessary and upon the finding of good cause, may:

(a) order a hearing to be held before it concerning the censure, suspension, removal or retirement of a judicial officer; or

(b) request the supreme court to appoint one (1) or more special masters, who are judges of courts of record, to hear and take evidence and to report to the commission.

(3) If after hearing or after considering the record and report of the masters, the commission finds the charges true, it shall recommend to the supreme court the censure, suspension, removal or retirement of the judicial officer.

Section 6. (1) All papers filed with, and proceedings before the commission or masters are confidential.

(2) The filing of papers with and the testimony given before the commission or masters is privileged communication.

(3) The commission shall make rules for the conduct of its affairs and provide for the confidentiality of its proceedings.

Section 7. (1) The supreme court shall review the record of the proceedings and shall make such determination as it finds just and proper and may:

(a) order censure, suspension, removal or retirement of a judicial officer; or

(b) wholly reject the recommendation.

Section 8. A judicial officer who is a member of the commission or of the supreme court shall not participate in any proceeding involving his own censure, suspension, removal, or retirement or that of a relative within the sixth degree of consanguinity or that of the spouse of such a relative.